761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: July 24, 2008

OFFICE CORRESPONDENCE FILE NO. SH2192337

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY RONALD DIGIOVANNI #[redacted]
COMMUNITY ORIENTED POLICING SERVICES BUREAU

On April 2, 2007 at 1906 hours Deputies DiGiovanni and Bardon responded to a "Man with a gun" call in the Lennox Station area. When the arrived in the area they saw the suspect (Suspect Flores) walking on the sidewalk away from them. As Suspect Flores walked near a parked van, Deputies DiGiovanni and Bardon turned the car to approach him. As they drove along the parked van the Suspect Flores suddenly emerged from the rear of the van. Suspect Flores held a silver colored pistol in his left hand as he pointed at a crowd of people across the street. Both deputies exited the radio car and ordered the suspect to drop the pistol and surrender.

Suspect Flores turned toward Deputy DiGiovanni and pointed the handgun at him as he walked in his direction. In fear for their safety, Deputy DiGiovanni fired four rounds at Suspect Flores and struck him.

Suspect Flores sustained four gunshot wounds to the upper torso. He was transported to UCLA/Westwood Hospital where he was pronounced dead.

A silver and black replica "Taurus" semiautomatic pistol, and four expended 9mm "Winchester" Luger shell casings, were recovered at the scene.

On July 24, 2008 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined

that the force used by Deputy Ronald DiGiovanni #[redacted] was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy DiGiovanni in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:MOT:mt

SH2192337

Table of Contents

Los A eles County Sheriff's Dep ment

Officer Involved Shooting

Report Date: 04-02-07	Bureau/Station/Facility: Lennox Sheriff's Station, CIT Team (Hit)	Admin. Invest.? ☐ Hit? ☐

URN: 007-03149-0380-013	Date: 04-02-07 Time: 1906 hours
City or Station: LENNOX	Nature of Incident: Deputies responded to a "man with a gun" call at the intersection of Lennox Blvd / Inglewood Ave. Suspect steps out into the street directly in front of the patrol vehicle holding a handgun pointing it at pedestrians and eventually at deputy personnel. Fearing for his life, partner and the public, Deputy DiGiovanni (bookman) fires at the suspect, striking him. Suspect dies as a result of the gunshots.
Location: [redacted] Inglewood Avenue, Lennox	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 5 to 10 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy: 4

Total # of Shots Fired by Suspect: 0

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Bardon	Joshua	A.	EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Last Name	City	First Name / Zip Code	Work Ph	M.I. / Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Toussant	Eric	D.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Employee #	Last Name	First Name	M.I.
[redacted]	Guevara	David	B.

Employee #	Last Name	First Name	M.I.
[redacted]	McCorkle	Mark	A.

PSTD Use Only
SH # ____

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-02-07	2100	01-18-08	

Employee #	Last Name	First Name	M.I
[redacted]	Quichocho	Frank	F.
[redacted]	Landreth	Larry	L.
[redacted]	Slawson	Don	M.

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	DH	CH
E#1	S#1	FH	BR	9	Y	Y	DH	SH
E#1	S#1	FH	BR	9	Y	Y	DH	AD
E#1	S#1	FH	BR	9	Y	Y	DH	AR
S#1	E#1	FH	FO	9	-	-	NN	NN

Officer Involved Shooting
Involved Employee Information

URN: 007-03149-0380-013

E 1

Employee # [redacted]	Last Name: DiGiovanni	First Name: Ronald	M.I.: A.
Sex: M Race: W	Rank: DSG	Unit Assignment: LENNOX CIT Team	Work Assignment (Unit #, Module, etc.): 30N2
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5'10	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9	# Shots: 4	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 007-03149-0380-013

Suspect Information			
S 1	Last Name: Flores	First Name: Jaime	M.I.: -
	AKA Last Name:	First Name:	M.I.:
	Sex: M Race: H	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]
	Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
	Age: 29 D.O.B. 04-05-77	Height: 5'2 Weight: 110	FBI # [redacted]	CII # [redacted]
	Booking # N/A	Primary Charge: 417.4 P.C.	Secondary Charge:
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
	Vehicle Make	Model:	Year:

S__	Last Name	First Name	M.I.	
	AKA Last Name	First Name	M.I.	
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make	Model:	Year:	

S__	Last Name	First Name	M.I.	
	AKA Last Name	First Name	M.I.	
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make	Model:	Year:	

S__	Last Name	First Name	M.I.	
	AKA Last Name	First Name	M.I.	
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make	Model:	Year:	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witness(es)

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

County of Los Angeles
SHERIFF'S DEPARTMENT

HIT SHOOTING (ON-DUTY) EVALUATION
Suspect Deceased

UNIT: Lennox Sheriff's Station, Crime Impact Team
DATE: April 2, 2007, Monday
TIME: 1906 hours
LOCATION: [redacted] Inglewood Avenue, Lennox, CA
URN#: 007-03149-0380-013
IAB#: SH2192337

NATURE OF INCIDENT: On April 2, 2007, at about 1906 hours, Lennox Sheriff's Station, Crime Impact Team (CIT), Deputy Ronald DiGiovanni, Employee #[redacted] was involved in an on-duty Hit Shooting at [redacted] Inglewood Avenue, Lennox (Unincorporated Los Angeles).

Deputy DiGiovanni (bookman) and his partner, Deputy Joshua Bardon (driver), Employee #[redacted] assigned to Lennox CIT Team Patrol Unit 30N2, under the auspices of the Community Oriented Policing (COPS) Bureau, responded to Lennox Boulevard and Inglewood Avenue regarding a "man with a gun" call.

As they were driving eastbound on Lennox Boulevard approaching Inglewood Avenue, they saw the suspect walking northbound on the west sidewalk of Inglewood Avenue away from them. They turned northbound on the southbound lane of Inglewood Avenue toward the suspect's last seen direction, losing sight of him due to a parked van concealing the suspect's view. As they drove alongside the parked van, which was on the west curb line facing south, the suspect suddenly emerged from the rear of the van.

The suspect walked in an easterly direction holding a silver colored pistol in his left-hand pointing toward a crowd of people across the street. Both deputies exited the radio car and began ordering the suspect to drop the pistol and surrender. Instead of complying, the suspect turned toward Deputy DiGiovanni pointing the handgun at him, while he walked in his direction. In fear for their safety and believing he was going to be shot, Deputy DiGiovanni fired four rounds at the suspect, striking him.

Suspect Flores sustained four gunshot wounds to the upper torso. He was transported to UCLA/Westwood Hospital where he was pronounced dead by Emergency Room Doctors McCollough and Uner.

A silver and black replica "Taurus" semiautomatic pistol and four expended 9mm "Winchester" Luger shell casings were recovered from the scene.

Internal Affairs Bureau was notified at 2000 hours, whereby Lieutenant Don Slawson along with Sergeants Frank Quichocho and Larry Landreth responded to the crime scene at the Lennox Boulevard and Inglewood Avenue, Lennox to conduct an administrative review of the incident.

On September 25, 2007, Deputy District Attorney Corene S. Locke-Noble issued a Letter of Opinion concerning the deputy-involved shooting. The District Attorneys conclusion stated the following:

> **"The evidence examined in this investigation shows that Jamie Flores exhibited irrational behavior while armed with a replica handgun. Despite the numerous commands given by Deputy Digiovanni to put the weapon down, Flores pointed the gun at Digiovanni. Fearing for his safety, Digiovanni fired his department issued weapon. Notwithstanding the injuries sustained by Flores, he continued to advance towards Deputy Digiovanni with the pistol aimed at him. Believing his partner, civilians, and himself were in mortal danger, he fired his weapon at Flores, ultimately ending a potentially lethal situation.**
>
> **Given the appearance of a rapidly evolving, potentially life-threatening situation that confronted Deputy Digiovanni, we conclude he acted lawfully in self-defense and in the defense of others. We are therefore closing our file and will take no further action in this matter."**
>
> **IAB Note: Refer to Exhibit A, for a detailed copy of the Letter of Opinion issued by the Los Angeles County District Attorney's Office regarding the deputy-involved shooting.**

The following summary is based on written documentation, and interviews of involved deputies.

INVOLVED PERSONNEL:

DiGiovanni, Ronald A., Deputy Sheriff, Employee #[redacted]
Lennox Sheriff's Station
Crime Impact Team
Community Oriented Policing Services (COPS) Bureau

EMPLOYEE WORK HISTORY:

Date of Employment: 11-08-1994
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:

INVOLVED SUSPECT (Deceased):

Flores, Jaime, MH/29, DOB: 04-05-77, 5'02/110, Blk/Bro,
[redacted]

Involved Suspect Criminal History:
Suspect Flores' arrest records [redacted]

IAB Note: Refer to Exhibit A, for a detailed copy of Suspect Flores' consolidated criminal history report (CCHRS).

CIVILIAN WITNESSES:

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]
7. [redacted]
8. [redacted]
9. [redacted]
10. [redacted]

11. [redacted]

12. [redacted]

13. [redacted]

14. [redacted]

DEPARTMENT WITNESS(S):

Bardon, Joshua A. - Deputy Sheriff, Employee #[redacted]
Lennox Sheriff's Station
Crime Impact Team
Community Oriented Policing Service Bureau

INVOLVED EMPLOYEE STATEMENTS:

Deputy Ronald DiGiovanni, Employee #[redacted] was interviewed by Internal Affairs Sergeant Frank Quichocho on December 12, 2007, at approximately 1524 hours. He was represented by Ms. Deborah Schild, from the Offices of Green & Shinee, counsel to ALADS. The interview was tape recorded and the following is a summary of the interview.

Deputy DiGiovanni said he heard a call for service over the dispatch frequency in the area of Lennox Boulevard and Inglewood Avenue concerning a "man with a gun." The description given indicated a male Hispanic wearing a gray T-shirt, with black pants. As units were coordinating the call, Deputy DiGiovanni started heading toward the location as he was the closest patrol unit. Numerous updates were given stating the suspect's last seen direction.

As they approached the intersection of Lennox Boulevard and Inglewood Avenue from the west, Deputy DiGiovanni saw a male Hispanic matching the description of the suspect in the call on the west sidewalk of Inglewood Avenue, north of Lennox Boulevard. Deputy DiGiovanni stated the suspect walked into a crowd of people along the strip mall area of the intersection. He recalled there were at least two vehicles parked along the west curb line of Inglewood Avenue. As they turned their patrol vehicle northbound onto Inglewood Avenue, they lost sight of the suspect. Deputy DiGiovanni said at this point he did not see the suspect holding a gun and was not sure if the individual they saw was in fact the suspect armed with a gun.

Deputy DiGiovanni said they were still attempting to locate and identify the suspect when they lost sight of him behind a white panel van parked on the west curb line. The suspect then appeared from the rear of the van walking out onto the street with his back initially facing away from them. Deputy DiGiovanni stated he saw the suspect raise a gun over his head with his left hand waving it around. He said although there were numerous people across the street, approximately twenty in number, it did not initially appear to him the suspect was waving the gun at them, but just up in

the air, which lasted for a moment, because the suspect began to turn around toward him.

Deputy DiGiovanni said he attempted to put out emergent radio traffic, however, he was simultaneously exiting the patrol car, and retrieving his duty weapon all at the same time, while the suspect was lowering his gun and turning toward him. Deputy DiGiovanni said the suspect eventually pointed the gun directly toward him as his partner was attempting to place the patrol car into park.

Deputy DiGiovanni said he gave some type of verbal command for the suspect to drop the gun. When the suspect did not comply with his commands, Deputy DiGiovanni said he feared for his safety, his partner's and the public, as he fired his weapon striking the suspect. The suspect, however, kept walking toward him lowering his weapon. When the suspect continued to advance on him, Deputy DiGiovanni fired his weapon again striking the suspect as he fell to the ground.

Deputy DiGiovanni said as the patrol car came to a complete stop, Deputy Bardon covered him from the hood of the patrol vehicle. The suspect continued to reach for his weapon which was about three feet from him on the ground. Deputy DiGiovanni stated the suspect appeared incapacitated, however, he was still making movements toward the weapon on the ground with his arms. He indicated there were several individuals in the street, and all kinds of pedestrians looking at the incident coupled with not knowing if the suspect had other accomplices. Believing the suspect was going to retrieve the weapon, Deputy Bardon covered him as he safely retrieved it for safekeeping. At this time, Deputy Bardon put out emergent radio traffic regarding a deputy-involved shooting.

During follow-up questioning, Deputy DiGiovanni said when he responded to the "man with a gun" call, his perception was heightened due to concerns for public safety as well as officer safety issues. He regarded the call as a priority due to his knowledge of the area being highly populated with people coupled with the suspect's threatening actions with a firearm. He said the handling unit, which was Lennox Patrol Unit 32, Deputies Ryan Campbell, Employee #[redacted] and Monica Martinez, Employee #[redacted] coordinated the call by communicating on the local tactical (L-Tac) channel regarding a plan of action.

Deputy DiGiovanni said it took them about a minute and a half to reach the intersection of Lennox Boulevard and Inglewood Avenue. During their response, several updates were given regarding the suspect's whereabouts, and clothing description. He said the call and/or updates did not specifically mention the type of gun the suspect was holding. Deputy DiGiovanni said when he initially saw an individual matching the description of the suspect on the call, he was still not absolutely positive because he did not see him with a gun at that point. He said their patrol car was about forty feet from the suspect when he first saw him at the intersection. The suspect's back faced them as he walked northbound on the west sidewalk of Inglewood Avenue. Deputy DiGiovanni said he did not update responding units regarding his observation because other units were on the radio and they did not have a chance to communicate their thoughts since the incident happened within seconds of losing sight of the suspect. He stated he did not observe the suspect display any symptoms of erratic behavior at this time.

Deputy DiGiovanni said when the suspect reappeared at the rear of the van, their patrol vehicle was just crossing the front of the van. By the time they came to a complete stop they were a few feet from the suspect as he raised the gun in an upward direction with his left hand. Deputy DiGiovanni described it as, "not up over his head, but a high angle" pointing it in a northeasterly direction. He said the suspect at first walked in a northeasterly direction away from them. As he focused on the gun, Deputy DiGiovanni said he believed it was a semiautomatic pistol based on the way it was shaped. He described the pistol as silver or chrome in color which appeared to have the hammer back adding it did not appear in any way, shape or form as that of a simulated weapon.

Deputy DiGiovanni said the suspect began turning toward him as he was exiting the patrol vehicle, eventually leveling the gun directly at him. As he was stepping out of the patrol car, Deputy DiGiovanni said his partner was trying to stop the patrol vehicle adding his back drop was straight up the street, indicating northbound Inglewood Avenue. Deputy DiGiovanni said there were no people in the street during the deadly confrontation. He explained that as the suspect walked out onto the street with the gun raised up high, he believed the suspect saw them pulling up. As Deputy Bardon was attempting to stop the patrol car, he was simultaneously exiting the passengers' door trying to initiate emergent radio traffic, however, the situation quickly evolved as the suspect turned toward him pointing the gun at him, at which time he fired at him.

IAB Note: Refer to Exhibit B, for a copy of the crime sketch by Scientific Services Bureau, Crime Analyst, Deputy John Chun.

Deputy DiGiovanni said the distance between the suspect and him during the initial gun fire was about ten feet or less because after that the suspect continued to advance toward him closing the distance resulting in another round of gunfire.

The following is an excerpt from Deputy DiGiovanni's transcribed interview:

Page 15, Line 19:

Quichocho: Okay. But in your mind, your state of mind, your perception, as that gun is coming around toward you, what was going through your mind?

DiGiovanni: I was trying to get out of the car.

Quichocho: As the gun's coming around toward you?

DiGiovanni: I figured he was going to shoot me.

Quichocho: And at any point in time, you knew that it was deadly force upon your life?

DiGiovanni: Of course. I thought he was going to shoot me and my partner who was still seated in the car trying to stop the car.

Quichocho: Now, did it appear to you that maybe he meant to shoot you guys or maybe the women and children down the streets? Do you know what perception you had?

DiGiovanni: He was focused on me. That's what my perception was; his eyes are directly at me. He was focused on me. I was looking down the barrel of a gun. That gun looked like a real gun to me. I looked down the barrel of it when I found it afterwards. It was black. It looked like a real gun. I looked down the barrel of that gun. He had a split second to drop that gun when I was giving -- I don't know what I was saying exactly, but he had a split second to drop it. I didn't. I made my decision to fire and I fired.

Deputy DiGiovanni said he fired two double tap rounds initially, and as the suspect advanced toward him, he fired another double tap round of fire. As he fired his rounds, Deputy DiGiovanni believed he hit the suspect in the upper torso area.

The following is an excerpt from Deputy DiGiovanni's transcribed interview:

Page 16, Line 21:

Quichocho: If you recall, did you make any verbal commands as you were exiting the car? At what point in time do you think you were making verbal commands?

DiGiovanni: I'm doing all this at one time. One fluid motion. I'm exiting the vehicle as he's (Dep. Bardon) stopping the car, I'm exiting the vehicle, drawing my weapon, giving verbal command for him to drop the weapon.

Quichocho: And you said you were also attempting to put out radio traffic.

DiGiovanni: I already attempted to. At that point, it wasn't safe for me to do so. I needed to pull my weapon and get out of the car.

Quichocho: And, obviously, the suspect was not complying with any of your commands?

DiGiovanni: No. He didn't comply with me.

Quichocho: And when you shot him and he fell onto the ground, was he still holding on to the gun or how did it release from his hand?

DiGiovanni: He released the gun.

Quichocho: How far was the gun from his body or his hand?

DiGiovanni: Maybe, I'd say inches, but I couldn't tell anywhere from inches, like, to maybe a couple feet. Maybe two and a half, three feet. I'm not exactly sure, but I know

it was a close distance from his hand.

Quichocho: And you were still at the police unit -- the car?

DiGiovanni: Yeah. Which is not that far at that point because he was advancing on me.

Quichocho: By the time he fell on the ground, how far was that distance between the suspect and the car?

DiGiovanni: He was almost -- I believe the blood stain -- I believe he was just beyond the bumper of the car. Or, at the bumper of the car. So, maybe a couple of feet? Maybe four feet? Maybe five feet. I don't know.

Quichocho: Was he attempting to retrieve the weapon at that time or --

DiGiovanni: He was movin' -- he was clawing with his hands around. He was still movin' his hands around which I -- you know, in that direction.

Quichocho: Was he exhibiting any type of behavior like he wanted to retrieve the weapon again.

DiGiovanni: It appeared -- in my -- in my perception at that time, I believe so.

Quichocho: And what were his actions?

DiGiovanni: He was putting his hands out, reaching his arms out, movin' his hands out towards -- movin' --

Schild: So, okay -- go ahead.

DiGiovanni: No, just movin' his hand -- his right hand out, I believe.

Quichocho: So, at that point in time, several shots were fired at the suspect. He goes down. The weapon is now dislodged from his hand. What tactical considerations did you have as he was attempting to retrieve the gun again?

DiGiovanni: Josh was covering me from over the hood of the car. At which time, I approached him and retrieved the firearm.

Quichocho: And did that, were his motions in trying to retrieve the gun pose another significant threat towards you guys again?

DiGiovanni: It posed a threat to myself and also to the citizens in the street, yes. Definitely.

Quichocho: All right.

DiGiovanni: Though I did feel like -- I felt like -- at the distance that we had, I felt it was -- I had to make that decision to get that firearm away or -- or we would've been in a position to maybe fire on him again and there were so many citizens out there, I didn't want to have to do, maybe have my partner shoot at him and if he -- if he would've -- he was -- the crowd -- he woulda gone off in the direction of the citizens so it was -- it was unsafe for him. It was only my -- I only had a clear shot of him.

Deputy DiGiovanni said his partner put out emergent traffic regarding a deputy-involved shooting after it was safe to do so in addition to requesting paramedics to respond to their location. He recalled the first responding patrol unit handcuffed the suspect. He said the lighting condition was day light.

Deputy DiGiovanni concluded the interview stating he had point of aim, line of sight, and target acquisition when he fired at the suspect. He said there were no cross fire conditions that existed during the shooting. Deputy DiGiovanni said he and his partner had tactical command and control of the entire situation. He quickly exited the patrol car and used the door as concealment. As he drew his weapon, he had target acquisition and fired at the suspect, striking him. He stated he had no other options besides deadly force in this situation.

<u>IAB Note:</u> Refer to a copy of Deputy DiGiovanni's transcribed interview for further detail.

DEPARTMENT WITNESS STATEMENTS:

Deputy Joshua Bardon, Employee #[redacted], was interviewed by Internal Affairs Sergeant Frank Quichocho on December 12, 2007, at 1420 hours. He was represented by Ms. Deborah Schild, from the Offices of Green & Shinee, counsel to ALADS. The interview was tape recorded and the following is a summary of the interview.

Deputy Bardon said on April 2, 2007, he was assigned to the Lennox Community Impact Team (CIT), under the auspices of the Community Oriented Policing Services (COPS) Bureau. The designated unit he was working that evening was Lennox CIT Team 30N2. He was the driver of the marked patrol unit, and his partner, Deputy Ronald DiGiovanni, Employee #[redacted] was the bookman/passenger.

At about 1900 hours, Deputy Bardon said he heard a "man with a gun" call for service dispatched over regular frequency, as well as on the local tactical channel (L-tac). He stated at Lennox Station priority calls for service comes out over L-tac prior to the dispatch frequency. Once the call is dispatched over the regular frequency, the updates, description and location of the suspect(s) are voiced on the tactical channel.

Deputy Bardon said the handling patrol unit, Lennox 32, had an extended time of arrival to the call for service, so he decided to assist the station patrol units by responding to the call since he was closer to the area. The call for service described a male Hispanic adult, wearing a gray shirt and dark colored pants carrying a handgun and pointing it at pedestrians in the area of Lennox Boulevard and Inglewood Avenue.

Deputy Bardon said he drove from Imperial Highway and Aviation Drive to northbound La Cienega Boulevard to eastbound 108th Street, which turns into Lennox Blvd. As he approached the left turn lane at the intersection of Inglewood Avenue from eastbound Lennox Boulevard, Deputy Bardon said Deputy DiGiovanni pointed out to him an individual matching the description of the suspect in the call for service standing at the northwest corner of Lennox Boulevard and Inglewood Avenue. Deputy Bardon said as his attention was drawn to that individual, he also noticed he matched the suspect in the call, who was about thirty-five feet away from their patrol car to the northwest of Lennox Boulevard and Inglewood Avenue.

Deputy Bardon said the suspect was near a small parking lot to the right, with a small business type store front just north of him on the sidewalk. At this time, the suspect was facing away from them, not looking in their direction and on the sidewalk. Deputy Bardon saw the suspect walking northbound on the sidewalk, so he turned left onto northbound Inglewood Avenue to get a better view of the suspect, indicating they were not sure if the individual was definitely the suspect or not stating they did not see a gun at the time.

Deputy Bardon described the area of Lennox Boulevard and Inglewood Avenue as a primarily Hispanic community. He said a market is located on the opposite side of the street from where the suspect was last seen, as well as street vendors, and taco trucks surrounding the immediate area. At that time of day, Deputy Bardon stated a lot of people were getting off work and estimated about a hundred fifty people congregating in the general vicinity.

Deputy Bardon said as he drove northbound on Inglewood Avenue, he noticed a lot of pedestrian traffic, however, southbound vehicular traffic was nonexistent at that time. He said they were traveling in the middle turn lanes of southbound Inglewood Avenue in search of the suspect because it offered a better position of advantage and choice in case he had to drive either to the right or the left.

Deputy Bardon said when they lost sight of the suspect, he may have disappeared behind a van parked along the west curb line of Inglewood Avenue about fifty to sixty feet from the intersection. As he was driving at a slow rate of speed, Deputy Bardon said he saw the suspect reappear from the rear of the parked van. He saw the suspect walking backwards onto the street just in front of the patrol car. He explained the suspect was walking eastbound backwards, while facing westward. Deputy Bardon said as he slowed down the suspect began turning around in a clockwise manner and raised his left arm which held a silver or chrome handgun.

Deputy Bardon said the suspect was not aware of their police presence at the time. He said the suspect raised the handgun high into the air in a taunting and demeaning fashion as if to show

everybody or prove he had a handgun in his hand. He added he could not recall if the suspect was looking northbound or in a northeasterly direction at that point. Deputy Bardon said he saw the suspect lower the handgun as he turned facing eastbound pointing it at pedestrians on the east side of Inglewood Avenue. As he was pushing hard on his brakes, Deputy Bardon said he was also attempting to put his patrol car into park.

Deputy Bardon said at the same time he was trying to stop the patrol car, Deputy DiGiovanni was attempting to put out emergent radio traffic. He said the suspect was now in the middle of Inglewood Avenue rotating toward them in a clockwise manner. He saw Deputy DiGiovanni exiting the patrol car while the suspect was now at a 45-degree angle. He noticed Deputy DiGiovanni taking his duty weapon out as the suspect is now aggressing him with the handgun. Deputy Bardon said he saw the hammer of the suspect's handgun cocked back and discoloration on the bottom of the gun appearing to be a magazine. He added the barrel of the suspect's handgun was hollow inside with no red tip at the end.

Deputy Bardon said his partner eventually exited the patrol car and he heard him giving the suspect orders to, "Drop the gun." As he exited the driver's door, Deputy Bardon said he saw the suspect still pointing the handgun at Deputy DiGiovanni when he heard him fire gunshots at the suspect. He said the first gunshots he heard was a double tap and noticed the suspect still coming toward his partner aggressing him when he heard another double tap gunshot fired at the suspect.

Deputy Bardon said when he finally exited the patrol car, he stood at the crease of the door and noticed the suspect on the ground with the gun in front of him. He repositioned himself just behind the driver's front tire keeping visual contact of the suspect due to the possibility he may attempt to retrieve the weapon and re-arm. Deputy Bardon said he initiated emergent radio traffic stating they were involved in a shooting and also requested for paramedics to respond for the suspect.

Deputy Bardon said as they were waiting for assisting units to arrive, the suspect began clamoring and attempting to reach for the weapon in front of him. He said the handgun was far enough away from the suspect's grasp that Deputy DiGiovanni was able to safely retrieve and secure it. Deputy Bardon stated he believed Deputy DiGiovanni's decision to retrieve the handgun actually prevented them from further shooting the suspect in his attempt to re-arm himself. Shortly afterwards, Lennox Patrol Unit 32, Deputies Ryan Campbell, Employee #[redacted] and Monica Martinez, Employee #[redacted] along with Lieutenant Mark McCorkle, Employee #[redacted] arrived and assisted in handcuffing the suspect.

During follow-up questioning, Deputy Bardon said when he heard the 417 call, which means "man with a gun," the updates were coming in on L-tac. A description of the suspect was provided along with information he had a gun and pointing it to several different persons in the area of Lennox Boulevard and Inglewood Avenue.

Deputy Bardon said when he hears calls for service regarding a "man with a gun," his immediate perception is of exigency, priority, and urgency. He stated these calls are very critical in that the possibility exists for somebody getting hurt.

Deputy Bardon said the handling patrol unit was Lennox 32, Deputy Campbell and his [redacted] The call was coordinated over L-Tac by Deputy Campbell, who advised him to respond to the location since he had the closest estimated time of arrival. Deputy Bardon said other than the initial coordination of the call, no specific tactical planning and/or consideration was stated other than to check the vicinity for the "man with a gun."

Deputy Bardon described the area of Lennox Boulevard and Inglewood Avenue as predominantly a Hispanic community. The location is settled by both residential and commercial buildings. There is a mix of residences, apartments, and businesses throughout the area including store fronts, markets, and bars. Deputy Bardon said at that time of day, the sidewalks are filled with pedestrians, who are shopping and walking around. He estimated the crowd of people at the location to be approximately fifty to a hundred being made up of men, women, and children.

Deputy Bardon recalled the last update of the suspect indicated he was walking northbound on Inglewood Avenue, which he believes is about the time they were arriving at the intersection. He said his partner, Deputy DiGiovanni made the initial observation of the suspect by pointing him out at the northwest corner as they were stopped at the left turn bay facing east on Lennox Boulevard, at Inglewood Avenue. Deputy Bardon said he eventually saw the suspect who was mingled in with other people on the sidewalk. He estimated the distance of sight from the suspect as approximately thirty to thirty-five feet. Deputy Bardon said the suspect was walking away from them with his back toward them. At this time they did not see anything in the suspects hands or see him carrying a gun.

Deputy Bardon said they did not broadcast or put the information out over L-tac because the situation happened really quickly. Based on the call for service they did not want too many of their faculties going on all at once. He explained they wanted to initially keep an eye on the suspect, as well as other potential suspects in the area being this individual was the first one they saw matching the description of the call. During their initial assessment of the suspect, he did not pose any threats as they did not see him armed with any weapons.

Deputy Bardon said when they lost sight of the suspect, he did not believe the suspect was intentionally trying to evade detection. His perception was the suspect was not aware of their presence. Somehow the suspect disappeared from their sight as he walked into a crowd of pedestrians next to a parked van which blocked his view from the patrol car. Deputy Bardon said there were approximately ten to fifteen people in the area where he lost sight of the suspect.

Deputy Bardon said the time delay from the time he lost sight of the suspect to the time he reappeared behind the van was about five seconds. As the suspect walked eastbound from the rear of the parked van onto the street, Deputy Bardon said he saw him raising a handgun into the air and waving it around. Deputy Bardon stated the progression of the suspect's movements were from the west sidewalk to the southbound lane to the middle of the street and then to the bookman side of the patrol vehicle. He explained the suspect's actions were very quick as he raised the gun, while turning around in a clockwise manner, waving it and finally pointing it at Deputy DiGiovanni.

Deputy Bardon said the patrol vehicle was about thirty to thirty-five feet away from the suspect when he first stepped out onto the street from the rear of the van. He said his view of the suspect was the right side of his body. The suspect immediately raised the handgun into the air at this point. Deputy Bardon believed the suspect was not aware of their presence until he turned around and saw them. He stated the suspect did not have the appearance of being shocked he was being confronted by deputy personnel.

Deputy Bardon said the suspect was about five feet directly in front of the right from bumper of the patrol vehicle when he pointed the handgun at Deputy DiGiovanni. He said the handgun the suspect carried appeared to be a 1911 type of semiautomatic pistol by the way the hammer was cocked backward. He said the 1911 is a single action weapon. He stated the handgun looked real to him as it looked like a .40 or .45 caliber handgun, chrome in color.

Deputy Bardon said his state of mind and perception was that the suspect was going to shoot him, his partner or the pedestrians in the street. He stated the suspect was not in his right mind and he believed he was going to harm somebody. Deputy Bardon said the suspect did not appear to be under the influence, mentally impaired or a gang member.

Deputy Bardon said if the suspect was able to shoot, he would have shot his partner in the chest. He said he did not know if the gun fell out of the suspects hand before he fell onto the street. He said the suspect was trying to do the "army belly crawl" toward the gun in an apparent attempt to regain control of it. Deputy Bardon said tactically, he was not in a position to fire at the suspect, so the best option was to retrieve the weapon before they had to shoot him again.

Deputy Bardon said his backdrop was the eastside of the street. He said there were no crossfire issues with his partner. The lighting condition was daylight. He said Deputy DiGiovanni remained behind the crease of the door during the shooting incident. He stated when Deputy DiGiovanni left his position to recover the suspect's weapon, he covered him the entire time.

Deputy Bardon concluded by stating there was no other option other than the use of deadly force in this situation. He said at either time during the confrontation the threat was both imminent and immediate. He said Deputy DiGiovanni handled himself well and addressed the threat as needed.

IAB Note: Refer to a copy of Deputy Bardon's transcribed interview for further detail.

NON-DEPARTMENT WITNESSES:

The entire neighborhood along the intersection of Lennox Boulevard and Inglewood Avenue was canvassed by deputy personnel from Lennox Sheriff's Station for possible witnesses to the incident. The following persons were contacted regarding the incident:

[redacted] residing at [redacted] stated he was working in the store and heard three gun shots. He did not see or know where the shots came from.

[redacted] residing at [redacted] stated he was working in the store and did not see or hear a thing. He also said he does not have video surveillance of the parking lot/street area.

[redacted] residing at [redacted] stated he called the police to report the incident that led up to the shooting. The following is a summary of his recorded interview by O.S.S. Deputy Jeff Cale, Employee #[redacted]

Witness [redacted] said he drove to Eduardo's Barber Shop to get his hair cut. The barber shop is located in the shopping center on the southwest corner of Inglewood Avenue and Lennox Boulevard. Witness [redacted] said he pulled his car into the parking lot facing northbound. He saw a male Hispanic adult (later identified as Suspect Flores) walking in the eastbound lanes of traffic at Lennox Boulevard, just west of Inglewood Avenue. Suspect Flores was armed with a silver colored handgun and he was holding it in his hand. A red Ford Explorer stopped at the east bound traffic signal on Lennox Boulevard at Inglewood Avenue. The Ford Explorer was occupied by a lone driver (male Hispanic). Witness [redacted] said Suspect Flores raised his hand gun and pointed it at the driver of the Ford Explorer. The driver either did not see Suspect Flores or he ignored him and drove away eastbound on Lennox Boulevard.

[redacted] residing at [redacted] approached Deputy Michael Valento, Employee #[redacted] stating he dialed 911 regarding the incident. The following is a summary of his recorded interview.

Witness [redacted] approached me and stated he was the person who dialed 9-1-1, but could not stay at the scene because he had to pick up his [redacted] I retrieved my recording device and conducted a recorded interview with Witness [redacted] Just prior to the shooting, Witness [redacted] was inside "G and G Locksmith" (10805 Inglewood Avenue, unit E) having a key cut, when two women came inside and told him there was a man waving a gun and pointing it at them. The only other two individuals inside the business when the woman stated this, were the worker and one of the worker's friends.

All three of them walked outside as Witness [redacted] stood right next to the front door to the locksmith and looked northbound. He asked the two women which individual was pointing the gun at them and they pointed to an individual (suspect) standing in the northwest corner parking lot. The suspect was standing on the driver's side of a parked van (California license #[redacted]), which was facing southbound near the west side of the parking lot.

The suspect was holding a handgun in his right hand, pointed downward and as people walked by the suspect, he began pointing the handgun at them causing the pedestrians to run away. At this point, Witness [redacted] dialed 9-1-1 from his cell phone ([redacted]) and spoke to a female operator named, "Morena" telling her there was an individual waving a handgun on the street and to send somebody before a shooting occurred.

Witness [redacted] watched as the suspect began walking in a northeasterly direction through the parking lot, while pointing and waving the handgun at nearby individuals. He walked to the

eastern edge of the parking lot and while standing underneath the second story of the business, placed the handgun in front of his waistband which was then concealed by his shirt. While this was occurring, Witness [redacted] did not hear the suspect say anything to anyone.

Witness [redacted] watched as the suspect walked a short distance northbound on the west sidewalk up to two other male individuals. The suspect then sat down underneath a beauty salon sign at one of the businesses located on the west side of the sidewalk. One of the males the suspect approached walked away while the other was seated on the ground next to him.

The suspect stood up as the deputies patrol car was traveling eastbound on Lennox Boulevard approaching Inglewood Avenue. As the deputies turned northbound onto Inglewood Avenue from Lennox Boulevard, the suspect got up, took one or two steps, removed the gun from his waistband with his right hand and began walking eastbound across Inglewood Avenue.

Witness [redacted] stated when the suspect appeared to notice the police car, he (suspect) turned around and faced the deputies while holding the handgun. I asked Witness [redacted] to demonstrate how the suspect displayed the handgun when he faced the deputies. Witness [redacted] simulating as if he was holding a firearm in his right hand, demonstrated the suspect had been pointing the handgun at a 45-degree angle upward. He added he thought the suspect was bringing the gun upward toward the deputies, but only actually saw the handgun go as high as a 45-degree angle.

Witness [redacted] stated he heard the deputies tell the suspect one time to put the gun down and then discharged their weapons three times. He added the passenger side deputy exited the car before the driver deputy and believed it was the passenger deputy who issued the command to drop the gun but could not be sure.

As the interview continued, Witness [redacted] stated the suspect began raising the handgun upwards in the deputies' direction as soon as he (suspect) saw the police car

Witness [redacted] stated the suspect immediately dropped to the ground once being shot and the deputies kicked the handgun away and handcuffed him. Witness [redacted] walked closer to the southwest corner of Lennox Boulevard and Inglewood Avenue after the shooting.

He described the suspect as a male Hispanic, 25-30 years of age, 5'00, skinny build, possibly 150 pounds, short dark (possibly black) hair, wearing a gray t-shirt, gray pants, who appeared drunk based on his gait. He added he had never seen the suspect prior to this incident.

[redacted] residing at [redacted] stated he is employed as an [redacted] at [redacted] He said he was standing at the parking lot of the business when he looked toward the west side of Inglewood Avenue and noticed several people running in all directions. Witness [redacted] said he noticed a male Hispanic adult walking northbound from Lennox Boulevard on the west sidewalk of Inglewood Avenue holding a handgun. He described the handgun as a chrome semiautomatic.

Witness [redacted] said as the suspect walked northbound, he was raising the handgun to his chest and pointing it in various directions.

Witness [redacted] said he walked back into his employer's business. He then heard three to four gunshots. He did not witness the shooting.

[redacted] residing at [redacted] stated he heard three to four gunshots from the street. He did not witness the shooting.

[redacted] residing at [redacted] stated she heard an unknown amount of gunshots from the street. She did not witness the shooting.

[redacted] residing at [redacted] stated he the suspect in the middle of the street waving a gun. He went to sleep and then heard an unknown amount of gunshots. He did not witness the shooting.

[redacted] residing at [redacted] stated he heard an unknown amount of gunshots from the street. He did not witness the shooting.

[redacted] residing at [redacted] stated she heard three gunshots from the street. She did not witness the shooting.

[redacted] residing at [redacted] stated she was shopping inside the "La Playa Market" at 10736 Inglewood Avenue, when she overheard several people saying there was a man with a gun outside the store. She then heard three to four gunshots. On her way home, she saw a man on the ground with two sheriff's cars on the street. A local transient told her that it was her brother that was shot.

IAB Note: Refer to Exhibit A, for further details and a list of additional locations that were canvassed, however, residents did not answer or were not home.

Witness [redacted]

On Monday, April 2, 2007 at 0023 hours, LASD Homicide Investigators interviewed Witness [redacted] This interview was conducted in Spanish at the Lennox Sheriff's Station Gang Office. Present during this interview were Sergeants Larry Landreth and Frank Quichocho from Internal Affairs Bureau and D.A. Investigator [redacted] Below is a synopsis of the interview.

Witness [redacted] stated she was walking along Burl Avenue between Inglewood Avenue and Lennox Boulevard en route to "La Playita," (later identified as La Playa Market, located at 10736 Inglewood Avenue in the city of Lennox). Witness [redacted] stated as she was walking, she saw the suspect, who appeared to be under the influence of "drugs" walking toward her.

Witness [redacted] stated she saw the suspect with a gun and at one point, the suspect pointed the gun at her and at several other people who were in the area. Witness [redacted] said when the suspect pointed the gun at her, he was only a few feet away. Witness [redacted] said she

immediately ran inside "La Playita" store and contacted the security guard. Witness [redacted] stated while she was talking to the security guard inside the store, she heard approximately three to four gunshots and initially thought the suspect had shot someone. Witness [redacted] said she exited the store and saw the suspect lying on the ground and saw two deputies handcuffing him.

Witness [redacted] stated she did not witness the incident between the suspect and the deputies and indicated the suspect never said anything during the entire incident.

Witness [redacted] stated she did not personally know the suspect, but had seen him in the area an prior occasions. However, Witness [redacted] had spoken to a woman in the past who identified herself as the suspect's mother. The woman had communicated to Witness [redacted] that her [redacted] (suspect), was always drunk or on drugs.

For the complete content of the interview with Witness [redacted] refer to the digital audio disk which will become a permanent part of this investigation. The interview with Witness [redacted] ended at 0035 hours.

> **<u>IAB Note:</u> Refer to Exhibit A, for a copy of Witness [redacted] the supplementary report by LASD Homicide under File #007-03149-0380-013.**

<u>Witness</u> [redacted]

On Tuesday, April 3, 2007 at 0056 hours, LASD Homicide Investigators interviewed Witness [redacted] This interview was conducted at the Lennox Sheriff's Station Gang Office. Present during this interview were Sergeants Larry Landreth and Frank Quichocho from Internal Affairs Bureau and D.A. Investigator [redacted] Below is a synopsis of the interview.

Witness [redacted] stated he [redacted] which is located on the south east corner of Inglewood Avenue and Lennox Boulevard. Witness [redacted] stated on the day of the incident, while he was [redacted] he heard and saw a police car suddenly stop and then heard four gunshots and saw the suspect on the ground.

Witness [redacted] said he knew the suspect from the neighborhood as he, (suspect) was always drunk and socialized with the other homeless individuals in the neighborhood.

Witness [redacted] stated on the day of the incident, (4/2/07), at about 5:00 P.M., he saw the suspect, who was "definitely drunk," trying to sell a "BB" gun to some people in the neighborhood.

Witness [redacted] said at about 6:30 P.M., he saw the gun the suspect was carrying and described it as looking like a real gun and described it as grey in color and resembling a 9mm handgun.

Witness [redacted] stated he did not witness the shooting incident with the deputies as he was busy working at his [redacted]

For the complete content of the interview with Witness [redacted] refer to the audio disk which will become a permanent part of this investigation. The interview with Witness [redacted] ended at 0105 hours.

> **<u>IAB Note:</u> Refer to Exhibit A, for a copy of Witness [redacted] the supplementary report by LASD Homicide under File #007-03149-0380-013.**

<u>Witness</u> [redacted]

On Monday, April 2, 2007 at 0041 hours, LASD Homicide Investigators interviewed Witness [redacted] This interview was conducted in Spanish at the Lennox Sheriffs Station Gang Office. Present during this interview were Sergeants Larry Landreth and Frank Quichocho from Internal Affairs Bureau and D.A. Investigator [redacted] Below is a synopsis of the interview.

Witness [redacted] stated on Monday, April 2, 2007 at approximately 6:15 P.M., she was walking northbound on Inglewood Avenue en route to a local store to buy some bread. Witness [redacted] stated when she was in front of the "La Playita" store, (located at 10736 Inglewood Avenue in the city of Lennox), she heard a car suddenly stop and saw the suspect walking in the middle of the street on Inglewood Avenue. She saw that the suspect was standing in the street directly in front of a police car. Witness [redacted] said the suspect was walking kind of strange as if he was drunk.

Witness [redacted] said she heard the police officers yelling at the suspect, who was holding something grey in his right hand. Witness [redacted] stated she was unable to hear exactly what the deputies were saying. Witness [redacted] stated the suspect who was still holding something grey in his right hand, turned in the direction of the deputies and then she heard gunshots and saw the suspect fall. Witness [redacted] described the suspect as wearing a grey shirt and sandals.

For the complete content of the interview with Witness [redacted] refer to the digital audio disk which will become a permanent part of this investigation. The interview with Witness [redacted] ended at 0053 hours.

> **<u>IAB Note:</u> Refer to Exhibit A, for a copy of Witness [redacted] the supplementary report by LASD Homicide under File #007-03149-0380-013.**

SUSPECT'S INJURIES:

Deceased.

DEPUTY PERSONNEL INJURIES:

None.

PHYSICAL EVIDENCE:

Collected by Scientific Services Bureau, Crime Scene Investigators:

1. (1) Beretta, 92FS Vertec, 9mm Luger caliber, double action semiautomatic pistol, Serial #BER[redacted] and one magazine containing 12 cartridges with "WIN" head stamp.
   Lab receipt #J234947.

2. (4) 9mm casings.
   Lab receipt #J846224.

3. (1) "Unicorn" Hobby Toy replica handgun - silver color with black grips.
   Lab receipt #J814969.

IAB Note: Refer to Exhibit A, for further details.

INVESTIGATORS OBSERVATIONS:

None.

WEAPONS USED BY DEPUTY PERSONNEL:

DEPUTY RONALD DiGIOVANNI

Service Weapon: Beretta, Model 92FS Vertec, 9mm Luger caliber, black finish, double action semiautomatic pistol, with serial number: BER[redacted]
Type of Ammunition: 9mm Luger caliber cartridges.
Ammunition: Four rounds fired and (12) live 9mm Luger caliber cartridges in a magazine.
Shell Casings: Four expended shell casings were found on the street.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon:
Laser Village:

Lab Receipt No. J234947, Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section **(Refer to Exhibit A).**

WEAPONS USED BY SUSPECTS:

Replica, handgun, "Unicorn" Hobby Toy.
Uncooperative, noncompliant, and verbal resistance.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	LASD Homicide Detectives: Dameron Peyton and Margarita Barron
Court:	N/A
Charges Filed:	N/A
Case Status:	N/A

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred during the hours of daylight and the weather was clear.





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

September 25, 2007

Captain James Curtis
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 07-0203
L.A.S.D. File No. # 07-03149-0380-013

Dear Captain Curtis:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 2, 2007, fatal shooting of Jamie Flores by Los Angeles County Sheriff's Deputy Ronald Digiovanni. We have concluded that Deputy Digiovanni acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements provided by the Los Angeles Sheriff's Department (LASD) and submitted to this office by Detective Dameron Peyton on August 28, 2007. The District Attorney Command Center was notified of the shooting at approximately 7:43 p.m. on April 2, 2007. The District Attorney Response Team, comprised of Deputy District Attorney Tal Kahana and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On April 2, 2007, at approximately 7:06 p.m., LASD Deputies Digiovanni and Bardon assigned to the "Community Impact Team" (CIT) at the Lennox Station responded to a 911 call, "man with a gun" at the corner of Lennox Boulevard and Inglewood Avenue in the city of Lennox. The 911 caller gave a description of the suspect. While traveling

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eastbound on Lennox Boulevard in their marked black and white patrol vehicle, Barden and Digiovanni were receiving continuous updates from LASD communications on the status of the situation. When the deputies reached the intersection of Inglewood Avenue and Lennox Boulevard they turned north on Inglewood Avenue and observed a male Hispanic, later identified as Jamie Flores, matching the description of the suspect.

Flores was walking northbound along the west sidewalk in front of [redacted] Inglewood Avenue away from the patrol vehicle. When Bardon negotiated a left turn onto Inglewood Avenue they briefly lost sight of Flores who was concealed behind a white van parked along the curb. As Digiovanni and Bardon continued to drive northbound, Flores suddenly emerged from behind the van and walked into the southbound traffic lane of Inglewood Avenue holding a gray colored semiautomatic pistol in his left hand aimed toward pedestrians standing on the east sidewalk of Inglewood Avenue. Bardon and Digiovanni exited the patrol vehicle and took positions of cover behind the doors. At this time Bardon and Digiovanni saw that the hammer of the pistol Flores was holding was locked back in what appeared to be a single action position.

Digiovanni ordered Flores to drop the weapon. Instead, Flores turned towards Digiovanni and pointed the pistol directly at him. Fearing for his safety, Digiovanni fired two rounds from his duty pistol at Flores. Again Digiovanni commanded Flores to drop the weapon; however, Flores continued to advance towards Digiovanni with the pistol aimed at him. Digiovanni fired two additional rounds at Flores striking him in the upper torso and causing him to fall to the ground approximately eight to ten feet away from Digiovanni.

The pistol fell from Flores' hand and was lying in the street near his left hand. While down on the ground Flores attempted to reach for the weapon. Fearing for his safety and the safety of the public in the area, Digiovanni took control of the weapon and secured it in the trunk of his patrol vehicle. When Digiovanni recovered the weapon, he discovered it was a replica handgun.

Flores was shot in the upper torso and transported to UCLA Medical Center by McCormick ambulance where he was pronounced dead shortly after arrival at 8:02 p.m. by Doctors Uner and McCoullough.

On March 19, 2007, Doctor Vadims Poukens, M.D., Deputy Medical Examiner, performed an autopsy on the body of Jamie Flores. He determined the cause of death was due to multiple gunshots wounds. A toxicological analysis was conducted as a part of the autopsy revealing measurable amounts of alcohol in Flores' body.

Investigators canvassed the area for witnesses who saw the shooting and conducted interviews concerning the incident.

Investigators interviewed [redacted] who stated that although he did not see the shooting, shortly before it happened at approximately 6:30 p.m., he saw Flores walking

down the street carrying a "real gun," gray in color that resembled a 9 millimeter pistol. Flores appeared to [redacted] to be "definitely drunk."

[redacted] told Investigators that she was standing in front of the La Playita store located at 10736 Inglewood Avenue when she heard a car suddenly stop. Approximately 20 feet away she observed Flores standing in the middle of the street directly in front of a police car. She heard the deputies yelling at Flores but did not understand what they were saying to him. She noticed that Flores was walking funny and appeared to be drunk. Flores was "holding something gray in his right hand" when she observed him turn towards the deputies and then heard gunshots.

[redacted] was walking on Burl Avenue between Lennox Boulevard and Inglewood Avenue, when she saw Flores, who appeared to be under the influence of drugs, walking towards her. When he was near her, he pointed a gun at her. In fear for her life, she ran into the La Playita store and informed the security guard what she had observed. Shortly after reporting the incident, she heard three to four gunshots, went outside and saw Flores being handcuffed by the deputies.

LEGAL ANAYLSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App.3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins (1961) 189 Cal. App.3d 575.*

CONCLUSION

The evidence examined in this investigation shows that Jamie Flores exhibited irrational behavior while armed with a replica handgun. Despite the numerous commands given by Deputy Digiovanni to put the weapon down, Flores pointed the gun at Digiovanni. Fearing for his safety, Digiovanni fired his department issued weapon. Notwithstanding the injuries sustained by Flores, he continued to advance towards Deputy Digiovanni

with the pistol aimed at him. Believing his partner, civilians, and himself were in mortal danger, he fired his weapon at Flores, ultimately ending a potentially lethal situation.

Given the appearance of a rapidly evolving, potentially life-threatening situation that confronted Deputy Digiovanni, we conclude he acted lawfully in self-defense and in the defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
(213) 974-3880

c: Deputy Digiovanni #[redacted]